

REMARKS

The Examiner objected to Claims 1 and 19 based on the informality of using “an” instead of “a.” The appropriate grammatical corrections have been made to both claims. It is respectfully requested that the objection be withdrawn

The Examiner rejected Claims 1, 2, 8, and 9 as being anticipated by Ward. Claim 2 has been cancelled as its features have been incorporated into Claim 1. Claim 1 has been amended to recite additional features of the stun gun of the present invention. For example Claim 1 includes features such as friction fit between the tube sections and the conductive lead placed on the exterior of the additional tube section. Ward does not disclose or suggest such features and, in fact, teaches against the inclusion of conductive leads. In Column 5, Lines 18 -20, Ward discloses that the outer sleeve 72 made of aluminum encases an inner sleeve. Such an outer sleeve 72 if used on the present invention, would short-out the circuitry of the present invention. Further, in column 5, Lines 27-30 describe an ear and slot system to prevent the probes 14 from separating from the housing 12 and a flange structure 82 to prevent the probes from separating from each other. As claimed presently, the present invention utilizes friction to connect the tube sections when fully deployed.

It is respectfully submitted that the features claimed in Claims 1, 8 and 9 are not anticipated by Ward. It is noted by the Applicant that Claim 2 was rejected by the Examiner solely on section 102 (novelty) grounds and not on 103 (obviousness) grounds. As noted above, Claim 1 was amended to incorporate the features of Claim and to more clearly define additional features of the present invention such as the frictional connection and a conductive lead. Therefore, it is respectfully requested that the rejection

based on Ward be withdrawn. Moreover, it is respectfully submitted the at least Claim 1 is now in condition for allowance.

The Examiner rejected Claims 10, 14, 17, 18 and 19 as being anticipated by Kenney. The Examiner is respectfully requested to clarify certain rejections/comments for the following reasons. Claim 19, while being mentioned as rejected in the Examiner's first sentence, is not referenced anywhere in the Examiner's comments that follow. Moreover, Claim 9 while not mentioned in the first sentence is noted as being rejected in the last two sentences of the Examiner's comments. Clarification of those two points, if necessary after the preceding amendments and following remarks, is respectfully requested.

Claims 10 and 19 have been amended. Claims 10 and 19 are independent claims with one of their differences from Claim 1 being the placement of the power source. In Claim 10 the power source is in the first tube section. In Claim 19, the power source is in the additional tube section. Claims 14, 17 and 18 have been canceled. Claims 10 and 19 have been amended to recite additional features of the present invention including the conductive leads and the friction fit of the tube sections when the stun gun of the present invention is deployed. It is respectfully submitted that Kenney does not teach or disclose any of these features. For almost the same reasons as Ward, Kenney discloses features, such as a steel enclosure, that would cause a short in the circuitry. Moreover, Kenney teaches a locking cam 106 (Col. 7, Line 16) in order to lock the telescoping sections together. In sharp contrast, as presently claimed, the present invention utilizes friction to connect the tube sections.

It is respectfully submitted that the features claimed in Claims 10 and 19 are not anticipated by Kenney. Therefore, it is respectfully requested that the rejection based on Kenney be withdrawn.

The Examiner rejected Claims 3 and 4 as being unpatentable over Ward in further view of Hamilton. The Examiner stated that Hamilton teaches tapered tube sections and is properly combinable with Ward. However, it is respectfully submitted that Claims 3 and 4, claims that depend on Claim 1, now incorporate the features of Claim 1 which are not taught or disclosed by Ward. Moreover, it is respectfully submitted that Ward and Hamilton are not properly combinable. While they are both defense related concepts, it is respectfully submitted that the defense related concepts disclosed in Ward and Hamilton do not lend themselves to be combined. Hamilton is a baton meaning that its purpose is to hit persons or animals. Hamilton readily admits that other words for baton are "night sticks or billy clubs." Col. 1, Lines 13-14. In other words, it has the potential of being a lethal device. Ward discloses an electric shocking device "for delivering a non-lethal shocking potential ... at the end of the telescoping probe." Col. 1, Lines 60-62. It is respectfully submitted that the concepts themselves, lethal weapons and non-lethal weapons, teach away from combination. Said another way, it would not be obvious to a person of ordinary skill in the art to look to combine features of a lethal weapon system with features of a non-lethal weapon system. It is further respectfully submitted that there would be no motivation based on ease of manufacture as suggested by the Examiner. Possibly the flange structure 82 of Ward would be eliminated by such a combination. However, that only eliminates one of a myriad of components if the two

were combined. Just looking at Ward alone, it is staggering how many components must work in sequence and properly in order for the invention disclosed in Ward to operate.

Moreover, even if combination were proper, the result would not produce the invention disclosed in the present invention. In sharp contrast to the feature in Ward and Hamilton, the features of Claims 3 and 4 include a conductive lead. As noted above, Ward discloses no such feature. Hamilton does not remotely discuss non-lethal technology. Even if one or the other did disclose such a feature, the conductive lead of the present invention would be short-circuited and thus inoperable if features of Ward and/or Hamilton were incorporated. Therefore, it is respectfully submitted that combining would not produce the stun gun of the present invention. Accordingly, it is respectfully requested that the obviousness rejection based on Ward in view of Hamilton be withdrawn.

The Examiner rejected Claims 15 and 16 as being unpatentable over Kenney in further view of Hamilton. However, Claims 15 and 16 have been canceled. Therefore, it respectfully submitted that such a rejection is moot and/or should be withdrawn.

The Examiner rejected Claims 1, 5-7, and 10-13 as being unpatentable over Lin and Henderson. Claims 1, 6, 10 and 12-13 have been amended to more clearly define the features of the present invention. Claims 5 and 11 have been canceled. The Examiner believes that Lin discloses features of the present invention such as the connection means, conductive lead (51, 51') and the conductive probe (53, 53').

It is respectfully submitted that Lin discloses numerous elements such as a guide hole, 523, depressions, 511, 521 and 531, a slide groove 43 and a stop element 42 to connect the sections when deployed. In sharp contrast, as noted above, that the claims

have been amended to more clearly define that the tube sections of the present invention are connected by a friction.

Further, it is respectfully submitted that Lin does not teach the conductive lead as claimed in Claims 1 and 10 of the present invention. Lin discloses and claims “parallel positive and electrode negative plates.” See Lin, Claim 1. The stated function of the arrangement of the plates in Lin is to insure arcing between the positive and negative plates on each tube section. If the plates in Lin were anything but parallel, Lin would have to teach another method and disclose a different mathematical formula for how to achieve equivalent permittivity between the rod portions. Said another way Lin, teaches away from anything but a series of rod portions that are consistently aligned when they are deployed. Any other configuration and Lin would not achieve the display arcing on all rod portions.

In sharp contrast, the present invention claims (Claims 1 and 10) one or more conductive leads. The conductive leads of the present invention do not depend on proper alignment. As long as a conductive lead on one tube section is near a conductive lead on another tube section, the high voltage will jump the gap. See Detailed Description, Page 10, Lines 16-17. Moreover, there is no requirement that the conductive leads be parallel in the present invention. In fact, the conductive leads in the present invention actually converge, rather than remain parallel, in order to achieve the claimed connection to the conductive probe on the end of the stun gun. Converging plates is certainly a concept that Lin does not disclose and/or teaches away from.

Another feature that Lin fails to teach, disclose or suggest and/or teaches away from is the concept of conductive probes at the distal end of the shock device as claimed

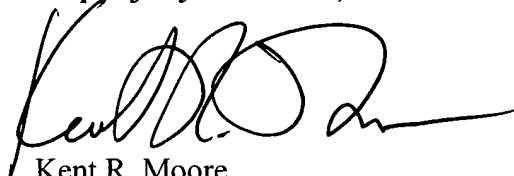
in all claims in the present application. By Lin's own definition, any permittivity on one tube section that is not equivalent to the permittivity on another will cause unequal or non-existent display arcing. Conductive probes (that have the permittivity of air) is not a disclosure that Lin teaches. In fact, conductive probes at the end of Lin's device most likely would be antithetical to Lin's entire concept as it would cause uneven arcing.

It is respectfully submitted that Lin does not teach or suggest including a conductive probe at the distal end of his invention. It is further respectfully submitted that Lin does not teach or suggest the conductive leads as claimed in the present invention that are electrically connected to the conductive probes and are convergent rather than parallel. Moreover, it is respectfully submitted that Lin does not teach or suggest the use of frictional connection of tube sections. Therefore, combining Lin with Henderson's high voltage step up circuit still would not produce the stun gun of the present invention as claimed.

Claims 20 and 21 have been added by amendment and recite the riot shield feature as disclosed in the application. It is respectfully submitted that Claims 20 and 21 define an invention that is patentable over the prior art of record.

It is respectfully submitted that the claims presently pending in the captioned application define allowable subject matter in view of the amendments and remarks herein. An early and favorable notice to that effect is earnestly solicited.

Respectfully Submitted,

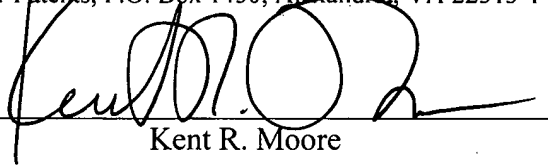
A handwritten signature in black ink, appearing to read 'Kent R. Moore', with a stylized flourish at the end.

Kent R. Moore
Reg. No. 43, 813

10128 Rolling Wind Drive
Soddy-Daisy, TN 37379
(423) 842-5148

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Kent R. Moore